

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WILLIAM HOLBERT, <i>et al.</i> ,	:	Case No. 3:12-cv-347
Plaintiffs,		
vs.	:	District Judge Timothy S. Black Magistrate Judge Michael J. Newman
KNIGHT TRANSPORTATION, <i>et al.</i> ,		
Defendants.	:	

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL DISCOVERY (DOC. 18)

On June 26, 2013, the Court held a telephone conference, with counsel for both sides, and heard oral argument on the merits of Plaintiffs' motion to compel discovery (doc. 18). Counsel for both sides then advised the Court that the issues raised in the motion appear to be resolved. To that end, Defendants' counsel advised the Court that production of documents and other discovery responses shall be made on or before Friday, July 5, 2013.

The Court reminded counsel that, in the future, they shall schedule a telephone conference with the undersigned prior to filing a motion to compel discovery.

The Court also discussed with counsel for both sides a second discovery issue, not raised in the motion, concerning medical releases and the breadth of the medical documentation to be discovered in this case. After discussion of this issue, the Court directed counsel to continue their efforts to extrajudicially resolve this dispute. The Court further advised counsel that they may schedule a telephone conference with the undersigned next week if those extrajudicial efforts prove unsuccessful.

Defendants' motion to compel discovery (doc. 18) is **DENIED** both because the parties' underlying dispute has been resolved, and also because Plaintiffs' counsel failed to attach the

certification required by Fed. R. Civ. P. 37(a)(1) and S.D. Ohio Local Rule 37.2.

Counsel for both sides are **ORDERED** to review and comply in the future with Fed. R. Civ. P. 37, S.D. Ohio Local Rules 37.1 and 37.2, and Dayton General Order No. Day 12-01 § 2.1.3.

IT IS SO ORDERED.

June 26, 2013

s/ **Michael J. Newman**
United States Magistrate Judge